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Name: Examiner DARROW, Justin T.
Loc: Group 2132 / USPTO
Fax No.: 703-872-9306
Phone No.:
Subject: US Appln. No. 09/764,370
Your File No.: 09/764,370

FROM

Name: Andrew B. Schwaab
Phone No.: 650-849-6643
Fax # Verified by: abs
Pages (incl. this): 273
Date: August 4, 2004
Our File No.: 07451.0001-17

Message:

In re Application of:

Karl L. Ginter, et al.

Application No.: 09/764,370

Filed: January 19, 2001

For: SYSTEMS AND METHODS FOR SECURE
TRANSACTION MANAGEMENT AND
ELECTRONIC RIGHTS PROTECTION

) Group Art Unit: 2132

) Examiner: Justin T. Darrow

) PART 1 of 3

Examiner Darrow:

Here is the final summary of the related litigation, regarding which Microsoft has taken a comprehensive license to InterTrust's patent portfolio for a one-time payment of \$440,000,000.00.

Please call if you have any questions or would like any additional information.

Sincerely,
Andrew Schwaab
direct 650-849-6643

If there is a problem with this transmission, notify fax room at (650) 849-6600 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

Appl. No.: 09/764,370
Third Updated Notice Regarding Related Litigation

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-17
InterTrust Ref. No.: IT-5.3.1.1 (US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Karl L. Ginter, et al.

Application No.: 09/764,370

Filed: January 19, 2001

**For: SYSTEMS AND METHODS FOR
SECURE TRANSACTION
MANAGEMENT AND
ELECTRONIC RIGHTS
PROTECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir

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Group Art Unit: 2132

Examiner: Justin T. Darrow

THIRD UPDATED NOTICE REGARDING RELATED LITIGATION

Further to the submission of the Second Updated Notice Regarding Related Litigation on August 1, 2003, and in associated with the Final Updated Notice of Related Litigation filed on or about the same date, Applicants submit this Third Updated Notice to inform the Examiner of the status of the ongoing litigation between InterTrust and Microsoft, captioned InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit herewith potentially relevant copies of the papers exchanged by the parties in the course of this litigation.

STATUS OF RELATED LITIGATION

Dated September 2, 2003, and attached as Exhibit 1 hereto, is InterTrust's Disclosures of Asserted Claims and Preliminary Infringement Contentions Pursuant to Patent Local Rules 3-1 and 3-2 with Exhibits A and B. Exhibit C has not been provided because (1) it is marked "Confidential - Subject to Protective Order" and "Attorneys Eyes Only" (as it pertains to proprietary Microsoft information); and (2) it is not material to the patentability of the pending claims, as it contains only information pertaining to Microsoft's current products and systems.

On November 17, 2003, Microsoft filed Defendant Microsoft Corporation's Preliminary Invalidity Contentions (Patent Local Rules 3-3 and 3-4). See Exhibit 2.

REMARKS

Applicants submit this Third Updated Notice Regarding Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 CFR 1.56. Applicants encourage the Examiner to carefully review the attached documents, and let Applicants know if any additional information is desired.

With this Notice, Applicants have provided copies of the papers described in the Status of Related Litigation section above. Furthermore, a voluminous number of documents have been referred to in the Microsoft paper attached as Exhibit 2 (specifically, in Exhibit A, attached thereto). All of the references listed in Exhibit A which have not already been cited in this application are listed on an Information Disclosure Statement to be filed shortly, and copies of the cited documents will be provided via CD-ROM therewith. Furthermore, Applicants urge the Examiner to also

review Exhibits B and C, exhibits to Microsoft's Preliminary Invalidity Contentions, which comprise an extensive listing of claim charts pertaining to the patents involved in the litigation. Due to the sizable page length of Exhibit B and C here, we respectfully refer the Examiner to Appln. No. 09/698,044, wherein these Exhibits were provided in electronic format via CD-ROM in the same Rule 56 submission. Such referral to these Exhibits in another case is made to hopefully facilitate the Office's review of these documents, however, the Office is urged to contact the undersigned directly at 650-849-6643 if it would be preferred for us to submit these charts directly in the instant application.

As always, if the Examiner believes that any document not yet submitted may be helpful in resolving an issue before him and would like to review that or any other document, Applicants invite the Examiner to contact the undersigned at (650) 849-6643.

If there are any fees due with the filing of this Notice which have not yet been paid, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 4, 2004

By: 

Andrew B. Schwaab
Reg. No. 38,611

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